

Notice of Allowability

Application No.

10/646,212

Applicant(s)

HILTS ET AL.

Examiner

Gregory F. Cunningham

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 8/22/2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 22 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

1. This action is responsive to communications of application received 8/22/2003.
2. The disposition of the claims is as follows: claims 1 - 20 are pending in the application. Claims 1, 8 and 17 are independent claims.
3. The group and/or Art Unit location of your application has changed. To aid in the correlation of any papers for this application, all further correspondence should be directed to Group Art Unit 2676 (effective 6/05). Please be sure to use the most current art unit number on all correspondence to help us route your case and respond to you in a timely fashion.

Examiner's Amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 9-11 have been renumbered.

The application has been amended as follows, for claims 9-11 as shown:

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9 10. The superposed colors graphic of claim ~~10~~ 9, wherein each of said first and second substrates is transparent.

~~10~~ 9. The superposed colors graphic of claim 8, wherein said first and second color graphics have preselected shapes and relative positions so that said first color fade is coextensive with said second color fade.

11. The superposed colors graphic of claim ~~10~~ 9, wherein said first color fade has a positional rate of change between said first origin and said first terminus that is equal to a positional rate of change of said second color fade between said second origin and said second terminus.

Allowable Subject Matter

5. Claims 1-20 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Applicant's independent claims 1, 8 and 17 stands novel over the related prior art. For instance, Liebenow (U.S. Patent Number 6,078,312), provides for 'Gradient 62 also still is a combination of two separate gradients: a gradient of one color fading from maximum intensity to minimum intensity over one axis, transposed over a gradient of another color fading from maximum intensity to minimum intensity over another, perpendicular axis. In a preferred embodiment, the colors are red and blue.' - col. 7, lns. 13-19.

Whereas in the instant invention the two axis are not perpendicular, but rather coincide and superposed over each other.

Now contrast with Cohen et al. (US Patent 5,353,391) wherein col. 26, ln. 63 – col. 27, ln. 13 at 'Color mapping occurs when material from two sources overlaps in the output image

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area and dissolve parameters are defined. In color mapping the dissolve parameters of a selection object are interpolated in the manner described above to create an object index associated with each intermediate state (or frame of the transition template). The preferred embodiment utilizes a rule that if source A's object index is 1.0 and source sequence B's object index is 0, source A is visible. If A's object index is 0 and B's object index is 1.0, object B is visible. If each object index is 0.5, each pixel from the two sources is combined and the average color is determined –this is a cross-fade. In the simplest fade, where image B gradually becomes visible through image A, the selected region is the entire source image area. The spatial mapping of the respective source image areas is directly to the output image area. The index for rectangle A starts at 1.0 and gradually decreases to 0), while the index for rectangle B starts at 0 and gradually increases to 1.0.'

However, the instant invention does not employ a combination of pixels, but has color applied to each side of a transparent substrate for claims 1 and 17 and a color applied to a first side of a first and second transparent substrate for claims 8 and 17.

Therefore as claimed by the combined elements of independent claims 1, 8, and 17, the cited references and prior art of record lack separately and in combination the elements of said claims.

Claims 2-7, 9-16 and 18-20 depend from allowable independent claims 1, 8 and 17, respectively, and therefore are also allowed.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Responses

8. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until

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September 15, 2005. After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

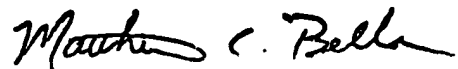


Greg Cunningham

Examiner.

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6/22/2005



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
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